

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		3/20/2017	3/30/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		Santa Clara	
4. REGULATION CITE(S):		7. SUBJECT:	
63-102(s)(7), 63-102(s)(8), 63-300.5(e)(8)(A), 63-503.49;		Deeming Requirements for Sponsor's Spouse	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
The referenced federal regulation at &CFR 273.4 (2)(i) and the State MPP 63-503.49 state, "The monthly income of the sponsor and sponsor's spouse (if he or she has executed INS Form I-864 or I-864A) deemed as that of the eligible sponsored alien must be the total monthly earned and unearned income, as defined in §273.9(b) with the exclusions provided in §273.9(c) of the sponsor and sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for participation."		MPP 63-405.7, CFR 273.4(c)(2) ACIN I-65-11, SAR 22, SAR 72, ACL 03-08	

ACIN I-65-11, SAR 22 #2, and SAR 72 state "If you are living with your spouse or your spouse has signed an affidavit of support, your spouse's income, resources, and property are also counted."

Do we count a spouse's income and resources even if the spouse did not sign the affidavit of support (ie. I-864 or I-864A)?

### 10. REQUESTOR'S PROPOSED ANSWER:

None:

Based on the CFR and the State Manual Sections, a spouse's income and resources are not counted if he/she did not execute the Affidavit of Support regardless of a living arrangement.

Based on the SAR 22 and ACIN I-65-11, a spouse's income and resources are counted if the spouse is living with the sponsor OR signed the Affidavit of Support.

### 11. STATE POLICY RESPONSE (CFPB USE ONLY):

7 CFR 273.4(c)(2)(ii) states that the monthly income of the sponsor or sponsor's spouse would be counted IF the sponsor or sponsor's spouse executed the affidavit. In this instance, "executed" means signed. If the sponsor's spouse did not sign the affidavit I-864 or I-864A then no, the CWD would not deem the sponsor's spouse's income and assets if the spouse did not sign the legally binding affidavit of support (I-864 or the I-864A).

USCIS Resource:

<https://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-support>

### FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
March 20, 2017	March 29, 2017 JN sc